

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PAUL KENDRICK,

*Plaintiff,*

v.

CORRECTIONAL OFFICER GUSKIEWICZ  
and SERGEANT BURRIE,

*Defendants.*

Civil Action No. 2:22-cv-1431

Hon. William S. Stickman IV  
Hon. Maureen P. Kelly

**ORDER OF COURT**

Plaintiff Paul Kendrick (“Kendrick”) brought this action asserting civil rights violations under the First and Eighth Amendments as well as state law negligence claims against two Pennsylvania state correctional officers for two incidents that occurred in July 2022 while he was imprisoned at the State Correctional Institution at Fayette. Discovery concluded, and Kendrick seeks summary judgment in his favor. The Honorable Maureen P. Kelly issued a Report and Recommendation recommending that Kendrick’s motion be denied. (ECF No. 60).<sup>1</sup> The parties were given the opportunity to file objections, and no objections have been filed.

After its independent *de novo* review of the record and consideration of the parties’ pleadings, the Court hereby ADOPTS Magistrate Judge Kelly’s Report and Recommendation as its Opinion. It concurs with Magistrate Judge Kelly’s thorough analysis of Kendrick’s claims and her legal conclusions. Genuine disputes of material fact exist as to Kendrick’s First and Eighth Amendment claims.

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<sup>1</sup> Defendants have sought summary judgment in their favor. (ECF No. 51). That motion remains pending before Magistrate Judge Kelly as it is not fully briefed. (ECF No. 58).

AND NOW, this 23 day of February 2024, IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 30) is DENIED.

BY THE COURT:

William S. Stickman  
WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE